

Discussion:**Summary of Amendments:**

The claims have been amended by rewriting claims 1-4, 6 and 10 and canceling claim 5. Claims 7-9 and 11-16 remain in the application.

Reconsideration of this application is respectfully requested per the amendments and the comments below.

Rejection under 35 USC §112:

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action (OA) submits that the term "electronic savings card system" is not defined and does not perform intended use of electronic savings.

In response, Applicants have amended claim 1 to recite the particulars of how the savings is performed. Specifically, upon receipt of the unique personal identification, the store applies a store discount to all specially marked items. Support for this amendment is found in the specification on page 1, line 20 through page 2, line 9, and page 5, lines 11-15. As the claim now recites the particulars of how the savings occurs, Applicant respectfully submits that the §112 rejection is overcome. Applicant respectfully requests reconsideration of the rejection in light of the amendment.

Rejection under 35 USC §102

Claims 1-16 rejected under 35 U.S.C. § 102(e) as being anticipated by Freeman et al, (U.S.6,450,407), hereinafter "Freeman". Applicant kindly thanks the Examiner for underlining the passages of the reference. This greatly assisted in finding the elements of Freeman cited by the OA.

Applicant has amended claim 1. In particular, Applicant has amended the claim – as noted above – to recite “a store discount is applied to a plurality of specially marked, store discounted items”. Support for this amendment is found in the specification on page 1, line 20 through page 2, line 9, and page 5, lines 11-15.

Applicant respectfully submits that Applicant's invention is targeted for an in-store, store-based discount for a plurality of items, similar to the Harris-Teeter VIC card, wherein cardholders are offered store discounts on a plurality of items in exchange for submitting personal information so that the store may track buyer shopping patterns. See, e.g., the specification at page 1, line 12 through page 2, line 9. As such, it is a “store” discount, rather than a third-party coupon, that is provided locally. This discount is provided to a plurality of products, as noted in the specification at page 2, line 7.

Freeman, by contrast, teaches a system by which advertising for “...purchasing the specific products associated with [the delivered advertising] information...” See, e.g., col. 7, lines 1-6. See also, col. 8 lines 35-39; col. 8, lines 54-55; col. 11, lines 29-55; etc. Such a system requires a one-to-one link between the particular product and a particular “ASP” (to use the terminology of Freeman) prior to any discount being made. Such a system generally requires memory storage and tabulation processes for matching product information, for example a “product ID” (Freeman element 144), with a particular ASP (Freeman element 151).

Applicant's invention, by contrast, simply transmits a unique identifier that is transmitted to the store. Once the identifier is received, the store is able to match the identifier with a user, and apply a local, store discount to all of the discounted items. The requirements of tabulation and storage on a user card, as taught by Freeman, are not required.

Additionally, the invention of Freeman teaches away from Applicant's invention. The invention of Freeman is particularly directed to an “open system” (defined by

Freeman at col. 5, lines 9-17). Freeman makes this clear when listing the "clearing function" as an advantage of the invention at col. 7, lines 34-59.

Applicant's invention, by contrast, is for a discount coupon associated with a particular store, wherein the discount coupon holder receives a discounted sales price, as offered by the store, in exchange for providing personal information that allows the store to track purchases. As such, Applicant respectfully submits that Freeman teaches away from Applicant's invention. Applicant respectfully requests reconsideration of the rejection in light of these comments and the amendment.

As claims 2-4 are all dependent from claim 1, Applicant respectfully requests reconsideration of the rejections to these claims with respect to the comments and amendments to claim 1. Further particulars of these claims are mentioned in the following paragraphs:

With respect to claim 2, Applicant respectfully submits that Freeman fails to teach an electronic device having a simulated credit card swipe mechanism. Support for this amendment is found in the specification on page 5, lines 1-10.

With respect to claim 3, Applicant respectfully submits that Freeman fails to teach a personal identifier comprising a cellular telephone number. Support for this amendment is found in the specification on page 5, line 11-12.

With respect to claim 4, Applicant respectfully submits that Freeman teaches a rebate associated with a particular product, and not a store-based discount card as claimed by Applicants. Support for the amendment is found in the specification on page 1, line 20 through page 2, line 9, and page 5, lines 11-15.

Regarding independent claims 6 and 10, and their associated dependent claims, Applicant notes that these claims have been amended in similar fashion to independent claim 1. Applicant relies on the comments associated with claim 1 as being applicable to these claims in similar fashion. Applicant respectfully requests reconsideration of these claims.

Applicant believes that the subject application, as amended, is in condition for allowance. Applicant respectfully submits the amended application for reconsideration.

If any matter would be more easily handled by telephone, Applicant would be happy to talk with the Examiner at the number listed below.

Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

By:


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